

REFERENCE TITLE: *punitive damages awards; fund*

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HCR 2017

Introduced by
Representatives Murphy: Pearce

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II,
SECTION 31 AND ARTICLE XVIII, SECTION 6, CONSTITUTION OF ARIZONA; RELATING TO
DAMAGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the
2 Senate concurring:

3 1. Article II, section 31, Constitution of Arizona, is proposed to be
4 amended as follows if approved by the voters and on proclamation of the
5 Governor:

6 31. Damages for death or personal injuries

7 Section 31. No law shall be enacted in this state
8 limiting the amount of damages to be recovered for causing the
9 death or injury of any person, EXCEPT THAT ALL PUNITIVE DAMAGES
10 THAT ARE AWARDED SHALL BE DEPOSITED IN A DESIGNATED FUND FOR THE
11 FOLLOWING PURPOSES:

12 1. AN AMOUNT THAT EQUALS THE ACTUAL EXPENSES INCURRED ON
13 PUNITIVE DAMAGES RESEARCH BY THE ATTORNEY REPRESENTING THE
14 PLAINTIFF FOR WHOM THE PUNITIVE DAMAGES WERE AWARDED, PLUS TEN
15 PER CENT.

16 2. ANY REMAINING MONIES SHALL BE ALLOCATED AS FOLLOWS AT
17 THE END OF EACH FISCAL YEAR FOR THE FOLLOWING FISCAL YEAR:

18 (a) TWENTY-FIVE PER CENT TO A CRIME VICTIM COMPENSATION
19 PROGRAM.

20 (b) TWENTY-FIVE PER CENT TO A CRIME VICTIM ASSISTANCE
21 PROGRAM.

22 (c) FIFTY PER CENT TO CHILD PROTECTIVE SERVICES IN THE
23 DEPARTMENT OF ECONOMIC SECURITY FOR REMEDIAL OR SUPPLEMENTAL
24 EDUCATION FOR CHILDREN WHO ARE OR HAVE BEEN IN A STATE FOSTER
25 CARE PROGRAM.

26 2. Article XVIII, section 6, Constitution of Arizona, is proposed to
27 be amended as follows if approved by the voters and on proclamation of the
28 Governor:

29 6. Recovery of damages for injuries

30 Section 6. The right of action to recover damages for
31 injuries shall never be abrogated, and the amount recovered
32 shall not be subject to any statutory limitation, EXCEPT THAT
33 ALL PUNITIVE DAMAGES THAT ARE AWARDED SHALL BE DEPOSITED IN A
34 DESIGNATED FUND FOR THE FOLLOWING PURPOSES:

35 1. AN AMOUNT THAT EQUALS THE ACTUAL EXPENSES INCURRED ON
36 PUNITIVE DAMAGES RESEARCH BY THE ATTORNEY REPRESENTING THE
37 PLAINTIFF FOR WHOM THE PUNITIVE DAMAGES WERE AWARDED, PLUS TEN
38 PER CENT.

39 2. ANY REMAINING MONIES SHALL BE ALLOCATED AS FOLLOWS AT
40 THE END OF EACH FISCAL YEAR FOR THE FOLLOWING FISCAL YEAR:

41 (a) TWENTY-FIVE PER CENT TO A CRIME VICTIM COMPENSATION
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44 PROGRAM.

1 (c) FIFTY PER CENT TO CHILD PROTECTIVE SERVICES IN THE
2 DEPARTMENT OF ECONOMIC SECURITY FOR REMEDIAL OR SUPPLEMENTAL
3 EDUCATION FOR CHILDREN WHO ARE OR HAVE BEEN IN A STATE FOSTER
4 CARE PROGRAM.

5 3. The Secretary of State shall submit this proposition to the voters
6 at the next general election as provided by article XXI, Constitution of
7 Arizona.